Fair to-day and to-morrow.

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ROOSEVELT PLEADS FOR ITS PROMPT RATIFICATION.

New Agreement Submitted With a Message Declaring That the Vitality of the Monroe Doctrine Is Involved-Our Government's Liability Is Less Now.

WASHINGTON, Feb. 15 .- After a long delay the new treaty between the United States and Santo Domingo is before the Senate. It reached Washington this morning and was sent to the Senate late this afternoon with a message from President Roosevelt, urging its ratification and asserting that trouble between the United States and European Governments was likely to occur unless the programme provided in the treaty for a transfer of authority over Dominican customs to the United States was carried out.

The treaty now in the Senate's custody was negotiated as a result of criticisms of the Dillingham-Sanchez protocol of to carry out its provisions without submitting it to the Senate.

It was late in the afternoon when the treaty reached the Senate. Pension bills was no opportunity for an executive session until nearly & o'clock. Few Senators were present when the doors were closed. the lateness of the hour, the message was the so-called lower house. read in part only, and the treaty not at all. The only action taken was to order printed for the confidential use of the

The President said in his message that the treaty was negotiated with a view to bringing about a settlement of disturbing conditions at Santo Domingo, in which the United States is interested, both directly and indirectly. The demands of certain Governments that Santo Domingo should pay her debts and that the United States should see that they were paid or permit the creditor Governments to exact payment, were asserted by the Fresident to be so insistent that they could not longer be ignored. The vitality of the Monroe Doctrine was involved in the question he declared, and the irresistible conclusion reached was that the United States was forced to take a hand in the settlement of Santo Domingo's foreign obligations.

The President's language regarding the necessity of action to preserve the vitality of the Monroe Doctrine was very pointed. He made it clear that the pressure from European Governments had been increasing and could no longer in justice be ignored.

On the other hand, the tendency of certain Central American and South American Governments to neglect payment of claims of taking a hand in settling the pecuniary difficulties of Santo Domingo, a netorious laggard in liquidating its obligations, or of permitting foreign Governments to force ttlement of their claims

The President declared that if creditor nations attempted to enforce their claims

The treaty was negotiated on the request of the Government of Santo Domingo and provides that the United States through its agents shall take possession and administer the receipts of the ports of Santo Domingo, paying 45 per cent. to the Government's creditors and the balance to that

The United States disclaims any intention to assume sovereignty and promises to respect the integrity of Santo Domingo. It is provided in the convention that it shall be effective only after ratification by the United States Senate and the Dominican Congress. The treaty is signed by Minister Dawson and Juan Francisco Sanchez, Minister of Foreign Relations.

The most important change from the provisions of the rejected protocol concerns the question of Dominican integrity. In the Dillingham-Sanchez arrangement it was provided that the United States Government should guarantee the integrity portant engagement in an agreement that had been concluded without the advice a great majority of Senators as unconstitutional and entirely beyond the powers

vested in the Executive. Outside of the irregularity of the arrangement, Senators found cause for obection in the provision per se, in that it virtually pledged this Government to use its military and naval forces to prevent any change in the territorial and political

entity of a foreign nation. This provision has been modified in the treaty transmitted to the Senate to-day. As it now stands, it commits the United States only to respect the integrity of Santo Domingo, which means that the privileges granted to this Government by the treaty will not be used to accomplish American sovereignty over the territory of the West

#### Indian republic. BOERS WERE FILIBUSTERS.

### One of the Party That Went to Guatemala

Returns and Confirms the Report. NEW ORLEANS, Feb. 15 .- B. O. Shepherd, one of the Boer party which went to Guatemala on the Olympia last week, has returned. The members were stopped twice by the Federal authorities on the ground that they were filibusters but were finally allowed to sail on proof that they were going settle in Guatemala on land grants given by the Government.

Shepherd said that the emigration contracts were torn up the moment the Olympia got out of the Mississippi. All of the party, on landing at Puerto Barrios, were surried to Zacapa, near the frontier of Salvador, and it was understood that they were to be used as the nucleus of a revolution against Salvador. A second party of Soers was to have left for Guatemala on Thursday, Shepherd says, but financial The matter difficulties prevented this. has been laid before the United States Grand Jury

DEWEY'S FINE OLD SHERRY WINE. H. T. Dewey & Sons Co., 138 Fulton St., New York.

SENATE HAS DOMINGO TREATY HOUSE AT OBDS WITH SENATE. THEATRE RISKS FRET JEROME Will Not Agree to Rebate Amendment to Agricultural Bill.

WASHINGTON, Feb. 15 .- The Republican leaders of the House will not support the amendment to the Agricultural Approprintion bill offered by Senator Hans-brough of North Dakota, and adopted by the Senate yesterday, in effect exempting wheat from the operation of the drawback section of the Dingley tariff law. In the eyes of Payne, Dalzell and Grosvenor, it is clearly an attempt on the part of the Senate to enact tariff legislation in the guise of an amendment to an appropriation bill.

Another contest between the two houses as to the rights of each is therefore in prospect. The only thing that seems likely to prevent another conflict is the fact that there were comparatively few Senators present when the amendment was agreed to and that some of those present did not understand what was being done.

It is probable, however, that Representative Payne, as chairman of the Ways and Means Committee, will offer a resolution asking the Senate to withdraw the amendment, on the ground that it is revenue legis-Jan. 20. That protocol was objected to lation, and that therefore it is unconstichiefly because the Administration sought | tutional and a violation of the rights of the House, one of which is the sole right to originate legislation for raising revenue.

There are ten or eleven precedents for such action. In only one instance, it is were then under consideration and there | declared by members of the House, has the Senate refused to honor such a call for an observance, not only of the comity which should prevail between the houses and for that reason, and on account of but also of the constitutional rights of

The dispute between the houses on the Cuban reciprocity legislation was the longthe message and treaty referred to the est drawn out. The House stood firm on Committee on Foreign Relations and that, and the Senate surrendered just as soon as the Senators were sure that Speaker Cannon meant it when he declared that rather than surrender the right of the Houset o pass on treatles involving changes of revenue laws there would be no action on the subject. It is believed the same outcome will be the result as soon as the Senate learns that the Speaker is in earnest on this subject.

#### NEW HAVEN FIREMEN LOSE? Rumor That the Directors Have Decided Against Them-Talk of Strike.

NEW HAVEN, Feb. 15 .- It was said tonight on what was regarded as excellent authority that the committee of the New Haven railroad directors who yesterday heard the claims of the grievance committee of the Brotherhood of Locomotive Firemen had decided against the firemen and grievance committee.

The firemen told Vice-President Todd that they believed they had a right to represent the engineers who are still in the Firemen's Brotherhood in all labor troubles, I spoke to him about the theatres. Looking and this was one of the leading grievances of foreigners was growing, and the alternative was fairly before the United States also President Mellen, when he was apmade right regardless of the expense or of pealed to over Mr. Todd's head. This was the same point that the firemen asked the directors to rule upon as a court of last one of the worst theatres in the city and that resort.

Those in a position to know the plans of the firemen said to-night that upon the an- with the building code and Fire Departnouncement of the road's final decision | ment rules and yet not be recognized as the inevitable result would be the occu- there would probably be a strike of the safe. It does not require any expert to pation of ports, for a long or short period. | firemen. There has already been made a | show that a theatre with nine turns in a which would lead to embarrassment and poll of the firemen of the system. The stairway thirty-five feet steep is dangerous. ble collision with this Government in | poll shows that of the 800 voting 675 voted | Other theatres certainly do not comply

grant the claims advanced. the entire system. Those who have not | be dangerous in case of a panic. There are voted on this question number nearly 575, several upstairs theatres like the Casino. and are on the division west of this city, If they are in a condition dangerous for the majority being on the New York divi- human safety, then we want to see if all sion. They are being polled now, and the the departments pulling together cannot result of that vote will be known to the do something. Of course you cannot exfiremen's executive officers before Sun- pect absolute safety. It is simply a ques-

### IT COULD BE A MILK TRUST.

of other like corporations. The incor- Commissioner might refuse to issue licenses E. Hope and E. T. S. Thygeson. The registered office of the company is in Jersey

One of the incorporators, Beverly R. and consent of the Senate was regarded by Robinson, is associated with Masten & Nichols, lawyers, at 41 Wall street. At the offices of this firm yesterday it was stated that the company was not a combination of other companies and that it had not yet acquired any properties. Information in regard to the stockholders and other details of the company was refused. Forsythe Wickes, who is connected with the firm, said that full information in regard to the company would probably be ready

### DIDN'T LIKE HIS SHIPMATES,

Reason Given for the Desertion of Midshipman Arrowood, Now Under Arrest. .

Midshipman Milton W. Arrowood of Burlington, N. C., who took French leave from of the whole building. The three parts are the battleship Kearsarge on Jan. 6, has been apprehended in this city and is now on other parts of the building were never in board the Hancock at the Brooklyn navy yard, detained to await the decision of the Judge Advocate General in his case.

Arrowood tendered his resignation to the Navy Department just as he was about to the ground floor of the building. The complete the two years cruise following graduation from the Naval Academy. Secretary Morton refused to accept the resignation on the ground that the Government was entitled to some service from the man after having educated him. Upon being thus refused Arrowood left the Kearsarge and apparently went direct to New

York. He was arrested here last Monday by Secret Service men, who found him through a registered letter addressed to him at the Post Office. He was living in a house in East Fifty-sixth street and had been working for a real estate firm since he left the

battleship.

There was a story at the navy yar There was a story at the navy yard last night that young Arrowood had said he had left the navy because he didn't like his associates. It was said that he thought many of them were of immoral character and that he did not believe a Christian gentleman could associate with

them and remain such.

The Judge Advocate General will decide what the nature of the charge against Arrowood will be. He is not, it is said, regarded as a prisoner on board the Hancock. Arrowood's father is a preacher in Bur-

CONSULTING CHIEF CROKER AND DR. BENSEL ABOUT THEM.

Personally Convinced That the Gallery Exits at Lew Fields's New Theatre Arc Not Safe, but Told That They Comply With the Law as It Stands.

District Attorney Jerome said yesterday that he had asked Harry de B. Parsons, the engineer, to inspect several theatres which he understood violated the Building and Fire Department laws. Mr. Jerome said he needed no expert to tell him that there was at least one dangerous theatre in the city-Lew Fields's new house, in West Forty-second street.

Mr. Jerome made this statement after he had had talks during the day with Fire Chief Croker, Mr. Parsons and Dr. Walter Bensel of the Health Department. Dr. Bensel is a member of the committee on theatres appointed by Mayor McClellan shortly after the Iroquois Theatre fire in Chicago, Mr. Jerome said that Dr. Bensel had brought him reports received by the committee on the safety of theatres. In explaining how he came to take up an investigation of the theatres, Mr. Jerome

"When Sheriff Hanson, who brought Charles F. Dodge back from Texas, was here in December I went with him to Fields's Theatre. We had a stage box. Hanson is a big, heavy man. Between the acts, in walking out I noticed that the stairway was so narrow that we couldn't walk abreast. The stairway was extremely steep. The electric lights projected so that they would strike a man of my height n the forehead. I counted, if I remember right, nine turns at right angles from the second gallery to the street. From the first gallery I think there were five turns at right angles. All around me I heard men saying that they would never take women to that theatre, and I heard other men say that they would never go there again. It required no knowledge of building laws to know that if there was a panic of any kind, with jamming at those urns, and walls of people were banked up, there would be serious injury to a large number of people.

"I wrote to the Building and Fire departments and was informed that the theatre had not violated the regulations of either department. It was admitted that there was something wrong with the electrolier, but this was spoken of as a trivial matter, easily remedied. I remembered that there had that announcement of this decision would | been no serious fire that I could recall since be given out on Friday or Saturday to the | the Academy of Music fire in Brooklyn. but I began to feel that these things occur just so often. I was a good deal anxious and worried when Chief Croker called on me last Friday in relation to another matter. after the theatres is not my job really, but whether the theatres must be closed or not.

"Chief Croker told me that the Casino was he would never let Mrs. Croker go to it. "I believe that a theatre could comply

theatres there are more seats between There are about 1,400 voting firemen in | aisles than the law permits, which would tion of the degree of peril."

Mr. Jerome said that he thought it would take Mr. Parsons about a week to make S17.000,000 Company, With Broad Powers, Incorporated Under New Jersey Laws.

The American Butter Refining Company, with a capitalization of \$17.000,000, filed articles of incorporation at Trenton yesterday. Its purpose, as announced in its charter, is to deal in milk and all milk products and to buy up the businessee and plants of other like corporations. The incorporations of the incorporation of the incorporations of the incorporation of the incorporati his investigation. Mr. Jerome said that if porators are Beverly R. Robinson, Walter on May 1, Mr. Jerome said, to theatres considered unsafe.

Oscar Hammerstein built Fields's theatre. No one at the theatre would comment on Mr. Jerome's statement last night.

#### ANOTHER FIRE AT HARVARD. A Dormitory, Thayer Hall, Damaged to the Extent of About \$1,000.

CAMBRIDGE, Mass., Feb. 15 .- For the second time in two months Harvard was visited by a serious fire this afternoon, when a blaze in Thayer Hall, one of the largest dormitories in the yard, did damage to to the students who occupied rosms in the building of from \$3,000 to \$4,000.

the north entry, in which there were twentyfour rooms, occupied by forty-two men. None of the rooms is fit for occupancy. The separated by two thick fire walls, so the

danger. Just how the fire started is not known, but it is evident from the condition of the building that it began in the hallway on rooms on the first floor were almost entirely destroyed. On the third and fourth floors the fire did little harm, but the smoke and water did great damage. For the most part the students lost every-

thing they had in their rooms. were a dozen or more students in rooms, but they got out by the fire

Thayer Hall was given to Harvard by Nathaniel Thayer and was built in 1870, It is the northeast building of the quadrangle in the old part of the yard.

#### SYNDICATE MILLER CALLS To Thank the District Attorney for Heiping Him to Freedom

William F. Miller of the 520 per cent. Franklin syndicate, who was pardoned on Saturday by Gov. Higgins at the request District Attorney Jerome, made a call on Mr. Jerome at the District Attorney's office yesterday. He thanked Mr. Jerome for his efforts in getting him free.

"The pardon of Miller." said Mr. Jerome, "was just and right. Dannemora prison must be a healthy place, Miller looks so

Sleeping car to Springfield. Mass., daily, on train leaving Grand Central Station, New York, at 1120 P. M., commencing Feb. 20th.—Adv.

### MR. CROKER AT THE CLUB.

Just to Look at the Improvements and Take Luncheon There.

Richard Croker was at the Democratic Club yesterday. It was his first visit since he arrived here to attend the funeral of his son Frank. Many changes have been made in the interior arrangements of the club and about a week ago he told John Fox, the president of the club, that he would like to look over the place before he returned to England; but he stipulated that there should be no formalities at the time of his visit. To make sure of this, he said he would drop in some time when he was

not likely to be expected. Yesterday was the day he chose. It was shortly after 2 o'clock when, accompanied by his niece, Mrs. Stella Bowman, he entered the club. Not more than half a dozen members were in the building, and they were so greatly surprised at seeing their old leader in the old haunts that they were at a loss to decide just what they ought to Mr. Croker explained to them that he had merely called to take lunch and to look over the building, and that he would be glad if they would not disturb themselves. After he had shown his niece over the house, the two had luncheon in the large dining room, and about an hour later they left the club.

#### WOMEN STUCK TO A WRECK.

Cantain and Crew. Too-Lone Able Seaman Who Took No Chances Gets Home.

The Atlas liner Sarnia, in yesterday from the West Indies, brought six of the crew of the Italian bark Elisa Vetromile, wrecked in thick weather on Point Morant, Jamaica, and Able Seaman Jose C. Domingo of the three masted American schooner Ida C. Southard, recently abandoned at sea, dismasted and waterlogged.

The Southard was bound from Trinidad for this port with a cargo of asphalt and was knocked out in a gale on Feb. 6. She flew signals of distress which were seen by the Atlas liner Sibiria, bound from New York for the West Indies. The Sibirla offered to take off all hands and land them at Fortune Island. Capt. Blake of the Southard said he thought he would wait for a ship bound north, but any of the crew who wanted to go aboard the Sibiria might so. Domingo decided that a steamship's deck was safer than that of a battered and waterlogged tern and left his shipmates.

There were two women aboard the Southard, sisters of the steward, and they also declined to be rescued by a southbound ship. Domingo was landed at Fortune Island, where he boarded the Sarnia. Heavy weather probably induced the skipper to change his mind, for he consented three days later to be taken off by the British fruit steamer Lilly, which landed him, the rest of the crew and the women at Port Antonio. Jamaica. The Lilly will bring all

### CUT DOWN BY CITY OF LOWELL. Sound Steamer Deflected Into an IceBound

Schooner--- No Lives Lost. PROVIDENCE, 3. I., Feb. 15 .- The steamer City of 'sowell, which arrived here this morning from New York, struck and almost immediately sank the two masted schooner Oakwoods off Whitestone, at the head of the Sound. at 11 o'clock last night. The Oakwoods, which is owned by J. C. Tucker of Narragansett Pier, had been lying in the ice off Whitestone for two weeks

At the time of the collision all hands on the schooner, except Osmund Jenson, berths. The City of Lowell, Capt. Walter R. Hazard, was picking her way slowly the ice, and when fifty feet away from the point directly at the schoone

Capt. Hazard signalled for full speed

the deck. The Oakwoods Legan to sink rapidly, and her crew took to the rigging, from which they were able to clamber to the high decks of the Lowell, which then backed away. Those asleep on the Oakwoods had no time in which to dress.

The Oakwoods was built in 1880 at Kennebunkport, M. She was bound from South Amboy for Narragansett Pier. She carried about 200 tops of hard coal.

about 200 tons of hard coal.

### TO REOPEN SMOOT CASE.

Senate Committee May Go to Utah This Summer to Take Testimony.

WASHINGTON, Feb. 15 .- While the Senate Committee on Privileges and Elections has brought to a close the taking of testhe building of \$7,000 and caused a loss timony in the charges against Senator Reed Smoot of Utah, and counsel for both sides have submitted oral and printed The part of the building damaged was arguments, it is not certain that the case will not be reopened.

If the committee presents its report to the Senate at the present session, there north entry of Thayer Hall is one-third | will not be sufficient time to give it consideration and take action. Therefore, its report, either for or against Smoot, would necessarily go over until the next

Moreover, there is a feeling among the numbers of the committee that they could members of the committee that they could be further enlightened on the practices of the Mormon Church if additional testimony were taken. This is particularly true in regard to the nature of the endowment house oath, about which the testimony is conflicting.

Many of the most important witnesses have apparently evaded the officers who went to Utah to summon them, and the members of the committee think there is some possibility that the presence of some of these may be secured. Other witnesses were unable to make the long trip to Wash-

were unable to make the long trip to Washington, and the committee therefore is considering the advisability of reopening the case, going to Utah during the summer, and resuming the taking of testimony at Salt Lake City. The committee will meet on Saturday to take up the question.

#### CHICAGO REPUBLICAN TICKET. John Maynard Harlan Is Nominated for

Mayor Without Opposition. CHICAGO, Feb. 15 .- The city Republican convention this afternoon nominated the following ticket: For Mayor, John Maynard Harlan; for freasurer, Moses E. Greene-baum; for City Attorney, John F. Smulski; for City Cleak, Francis P. Brady. All nominations were unanimous. After the nominations were concluded.

less than an hour after the convention was called to order, Mr. Harlan was escorted to the platform and made his speech of

### BLOW AT THE STANDARD OIL.

KANSAS LEGISLATURE PASSES BILL FOR STATE REFINERY.

Gov. Hoch Will Sign It To-day-Convict Labor to Be Provided for the Works -Offers From New York to Enter the Kapsas Field-Appeal to the President.

TOPEKA, Kan., Feb. 15.—Kansas struck a blow at the Standard Oil Company's business in this State to-day. The House passed the bill which gives the State \$410,000 to build and operate an oil refinery. The bill passed the Senate last week.

Gov. Hoch announced to-night that he would sign the bill immediately. Hoch had been against the bill until the Standard Oil Company announced its boycott on Kansas oil. The bill passed the House late this afternoon by a vote of 91 to 30. The oil bill provides for a refinery to be erected at Peru, Kan. Another penitentiary will be built there to provide convict labor for the refinery.

This ends one of the most bitter fights ever waged before a Kansas legislature. The Standard Oil Company and the railroads have maintained strong lobbies here to defeat the bill, which also makes pipe lines common carriers. The Kansas House also passed the Max-

imum Freight bill, which will keep the rail-

roads from favoring the Standard Oil Com-However, the bill which prevents the Standard Oil Company from discriminating and underseiling the State refinery was referred, after a fight, to the Judiciary Committee, but not before the friends of the State refinery tacked to it an amendment that will save the bill. The men who fought this bill said the underselling would apply to all commodities. To have said oil alone would have made it class legislation, which would have been unconstitutional. The amendment tacked on

refers only to trust made goods. This bill will come up on Friday Apparently there will be no lack of capital enlisted in the fight against the Standara Oil Company in this State as soon as the Legislature gives evidence of its intention to protect independent operators. The oil producers have received a number of requests from independent refiners who want to get into business in the State. To-day Senator F. Dumont Smith received the following telegram on this subject:

F. Dumont Smith, Topska. "Can raise \$600,000 for independent oil refinery if can get proper protection from Logislature; answer quick.

"J. D. CAMERON, Waldorf Hotel." Senator Smith answered: "Will guarantee absolute protection for independent refinery. State refinery will not interfere with independents in least."

KANSAS CITY, Feb. 15 .- The Oil Producers' Association of Kansas sent an appeal to President Roosevelt to-night asking the aid of Congress and the President in its fight against the Standard Oil Company. The appeal recites the history of oil production in Kansas and the workings of the Standard Oil Company. It further says an officer of the Standard Oil Company has insulted Kansas by saying it feared destruction of its pipe lines and property.

### MELVIL DEWEY CENSURED.

Dogante Babuka Ilim for Laka Company's Ruling Against Jews.

ALBANY, Feb. 15 .- Melvil Dewey, the State Librarian, was censured to-day by nurse of the name of Multhe, believing pany, of which he is president, of a state- | Consul for redress, whereupon the Consul | daughter of a theatre proprietor in Tokio. through the numerous vessels tied up by officers of the board were instructed to the King, went to the house. They got no communicate "a formal and severe public reply to their repeated knocking and ring-Onkwoods the steamer struck a heavy rebuke" to Mr. Dewey, and the board ing, and they then asked the assistance of floe with her port bow, which caused her to further declared that his continuation at

compatible with his retaining his office. This action is the result of the investigation of a petition presented to the board by certain influential Jews of New York city requesting Mr. Dewey's removal from office because of the publication. The library committee of the board, which investigated the matter, reported to the board the findings of fact without recom-

mendation. It found among other things that "the dub, as expressed in its published regulations, excludes from membership all Jews | damaged. even when of unusual personal qualifications," and that "it is established to the satisfaction of the committee that the regulations excluding Jews is not due to any personal prejudice on the part of Mr.

Dewey. The resolution adopted by the board

"That the Board of Regents censures the Department of the expressions complained of in the petition, concerning an important class of people, which also has official representatives under the board, furnishes large support to the State and has many

youth in the schools. "That the officers of the board be instructed to communicate at once to Mr. Dewey the formal and severe public re-

buke of the board for this cond "That the board admonishes the director of the State Library that the further control of a private business which continues to be conducted on such lines is incompatible with the legitimate requirements of his position in the service of the educational interests of the State of New York.

#### BLAZE IN OLD GERHARD HOUSE. Workmen Tearing It Down Got Far More Heat Than They Wanted.

brownstone buildings at 88 and 100 Fifth avenue, at the northwest corner of Fifteenth street. The houses were sold by Fred Gebhard and Mrs. Neilson recently to the Rothschild estate, which is preparing to the nothechild estate, which is preparing to build an office building there. Some of the workmen built a fire yesterday at the dinner hour in a fireplace on the second floor of the half-demolished build-

second floor of the handself should be spread over the ceiling. The firemen, when they arrived, greatly helped the contractor in the work of demolition. Such a crowd gathered that police reserves were called from the West Thirtieth street states.

tion to keep traffic in motion.

The house at 100 Fifth avenue was occupied by Gebhard, and it was around it that Jerome's sleuths and newspaper men camped for several days last summer when it was rumored that Reginald C. Vanderbilt was harbored there.

SARASOTA AND WEST COAST RESORTS torida. Pine balling and Scabbard Resort otels. For particulars get Scabbard Resort once at any P. R. Office of Scabbard Office 1183

#### PITTSBURG PHIL LEFT \$3,000,000. Fully \$1,000,000 in Personal Property in This State.

The estate of George E. Smith, known on the turf as Pittsburg Phil, may exceed \$3,000,000, according to the latest estimates of those in charge of it, of which fully \$1,000,000 in personal and \$25,000 in real property is in this State. This estimate is made by his mother, Mrs. Elizabeth Downing, of 1700 Irwin avenue, Allegheny, Pa., in her petition, filed yesterday with Surrogate Thomas, for letters of administration, no will having been found. Mrs. Downing also asks that Walter Keyes of Hestings, her son's most intimate friend,

be named as coadministrator. The mother and the brother, William C. Smith, will each receive one-third of the estate, while the remaining third will be equally divided between James McGill, a nephew, and Eleanor A. Wing, a nlece.

#### SUBURBANITES ON SKATES. lee Skates-Long Islanders Catch Their Trains in Schoolboy Style.

HEMPSTEAD, L. I., Feb. 16.-Suburbanites ereabouts caught their trains to Manhattan and Brooklyn to-day on skates, making rapid time to the Westbury. Garden City, Hempstead and other depots. Not for many years has there been such an amount of ice on the Long Island highways and sidewalks.

It was dangerous going for borses and they were left in the stables.

#### MISSOURI INCOME TAX. Senate Passes a Constitutional Amendment

and the House Will Concur. JEFFERSON CITY, Mo., Feb. 15 .- Senator very's constitutional amendment resolution to make an income tax constitutional was passed by the Senate this morning. The purpose is to tax all incomes that are more than \$5,000 a year. The amendment will be sure to pass the House. The resolution reads in part:

"The tax is to be levied and collected annually and shall not be less than 2 per cent. of said net income on the first \$500 thereof in excess of \$5,000, and shall, when such net income exceeds \$500 in any year, be increased in proportion to the increase of said income in excess of \$5,000 not to exceed 5 per cent thereof; the tax as collected shall be paid into the State Treasury and shall constitute a State road fund, and shall be expended in the construction, reconstruction and improvement of public highways and streets in such manner and such supervision as the General Assembly may provide."

### COUNTESS KEEPS HER CHILD. Former Crown Princess of Saxony Resists

Attempts to Abduct It. Special Cable Despatch to THE SUN FLORENCE, Feb. 15 .- The alleged atempts of the King of Saxony to secure possession of the baby of Countess Montignoso, which was born after her elopement with Prof. Giron when she was the wife of the present King, have engrossed attention here and elsewhere for some

It is asserted that agents of the King West End avenue, but his father said last tried forcibly to seize the child, who is named Monica, last night. Several men went to the villa here occupied by the former Crown Princess, but found the house barricaded. A voice inside shouted: "We are armed and intend to fire on anybody try-

Another story is that Countess Montignoso had summarily dismissed a German the State Board of Regents for the publica- that she was acting as a spy for the King of tion in a circular of the Lake Placid Com- Saxony. The nurse applied to the German ment discriminating against Jews. The and a lawyer named Koernen, representing the police. This was refused on the ground | dancing had become a fad, and the two the head of a private business was in- that the occupant of a residence was en- had had engagements almost every night titled to privacy.

### AMERICAN TACHT SAVES SHIP. Morton F. Plant's Venezia Tows French

Special Cable Despatch to THE SUN Arguers, Feb. 15 .- Morton F. Plent's yacht Venetia has towed into this port the French schooner St. Antoine, which the yacht rescued from inevitable loss in a violent sea. The Venetia is somewhat

## DEFECT IN A BATTLESHIP.

The Forward Turret of the Objo Gets

Out of Order-Will Delay Salling. SAN FRANCISCO, Feb. 15 .- A defect in the rollers of the forward turret of the new battleship Ohio has been discovered, and as a consequence the turret cannot be moved publication by an officer of the Education except slowly. The defect was discovered recently after testing one of the big guns in Santa Barbara Channel and it will be remedied at once at the Union Iron Works before the vessel proceeds to the Asiatio

This defect is often found in the machinery of turrets as the weight is enormous and Two were trapped at the entrance to the rollers must be nicely adjusted to sus- Weber Music Hall, one each at the Herald tain it and move the turret easily. It is estimated that three or four weks will be two at Hammerstein's Victoria and two needed to make the necessary changes.

### CHRISTIANS IN SOCIETY.

Bishop Vincent Tells Methodists That They Shouldn't Dine by Themselves.

BALTIMOBE, Feb. 15 .- "Let Christians go into society and become its leaders," was the suggestion made by Bishop John H. Vincent of the Methodist Episcopal Church, who is conducting a "Seven Days Study of Church Life," in this city.

"We can't afford to lock ourselves Jr., contractor, are tearing down the and dine continually with the saints," Christians, should go into society as much as we can. To withdraw from society is mere selfishness-selfishness is at the root

of all opposition to society." Bishop Vincent is known as the father of the Chautauqua Assembly, in the organization of which he was aided by Lewis Miller, Thomas Edison's father-in-law

### Tioga County Goes Republican

Owego, N.Y., Feb. 15.-The Republicans carried eight out of the nine towns in Tioga ounty at the town meeting yesterday The Board of Supervisors for the next two years will have eight Republicans to one Democrat.

### Insist upon having Burnett's Vanilla. - Adv

FLORIDA'S FAMOUS TRAINS, "N. Y. & Fla. Special," 2:10 P. M.: "Fla. & West Indian Ltd.." 2:25 A. M. Unexcelled service via Penn. & Atlantic Coast Line, 1161 B'way, N. Y.

## ROBBER AT MRS. WOODWARD'S

#### KNOCKED MAID' DOWN-BUTLER THEN SAT ON HIM.

#### He Found Basement Door Open, ("I Told You So," Says Lantry,) and He Just Walked In-Pockets Shed Trinkets

When Sleuth Arrived and Bogged Him. An attempt at robbery that almost equalled the exploits of Sandrock Smith occurred at 4:30 yesterday afternoon when Abram Gordowitz, an eighteen-year-old youth, got into the residence of Mrs. William

Woodward, Jr., at 11 West Fifty-first street. Gordowitz gained entrance to the house through the basement door. He had made his way to the second floor, when Mrs. Woodward's maid heard a noise in her mistress's bedroom and, running in there, found the bold burglar helping himself to articles that lay on Mrs. Woodward's dressing table.

The maid shrieked, and Gordowitz, turning quickly, dashed to the hallway. In brushing by the maid he struck her a blow on the jaw that caused the girl to fall in a faint.

Leaping down the stairs six at a time. Gordowitz ran into the butler, John Reasley. who had been attracted by the screams of the maid. Butler and thief grappled in trahallway and fought furiously. While tray were struggling, another servant ran to the telephone and cailed up Police Headquarters. Word was sent from there to the East Fifty-first street station, and Detective Sergeant Meehan was sent to the Woodward residence on the run. As Meehan entered the house he found the butler sitting on top of the thief, who was fighting hard to escape. During the struggle a watch and several minor articles of jewelry belonging to Mrs. Woodward had rolled from the pockets of the thief to the

floor. Meehan took Gordowitz a prisoner to the station house after searching him. No more of Mrs. Woodward's jewelry was found on him. A number of tickets for a ball to be given by the "Avondale Club" next Sunday were found in his pockets. The police say that these were, no doubt, a part of the prisoner's scheme to rob. Should he have been intercepted by any one while entering the house, he would have displayed the tickets and offered them for sale.

At the station house Gordowitz said that he had no difficulty whatever in getting into the Woodward house, as he found the basement door not only unlocked but partly opened. Capt. Lantry of the East Fifty-first street station has always maintained that the residents of his district were exceedingly careless about keeping the doors of their homes properly fastened.

Two years ago the captain sent his men all through the precinct to get into homes. They had no trouble in doing so. The captain's idea was to illustrate to the residents how easily their houses could be robbed. Police Commissioner Greene took a different view of the matter, and, after roundly censuring Capt. Lantry, transferred him to a downtown precinct.

Gordowitz lived with his parents at 188

night that he hadn't been home in six weeks. DANCED TILL SHE DIED. Japanese Girl III With Grip Wouldn't Rest While She Was a Social Fad.

this country to perform at the St. Louis fair, died suddenly yesterday at 29 West Thirty-sixth street, where she was staying with her younger sister. She was the The dead girl was 21 years old. After the world's fair she and her sister came to this city and had been very success ful in entertaining folks in society. Their

nto Tomasaburo or Kimi Dandal.

actress from Tokio, Japan, who came to

at the homes of some of the most prominent ocial entertainers in town. Last Saturday night they appeared at a performance given in the Y. M. C. A. audiorium in Twenty-third street for the bene-

torium in Twenty-third street for the benefit of the sick soldiers of the Mikado. The
elder sister was suffering with the grip, but
she went through her part of the entertainment. She went home worse.
She was much improved on Tuesday
night and went to a house in Fifth avenue,
where, with her sister, she danced to the
great delight of the guests present. Returning home with her sister she became
suddenly ill. A physician was called in to
attend her. He said the girl was suffering
from heart failure and was in a sprious condition. She became worse and died at 5

# dition. She became wood o'clock in the morning. Her real name, the Japanese say, was Kimi Morita. She met a great many of the Japanese residents of New York and had papenese residents. become a popular favorite. Most of them knew her in Tokio. Many Japanese paid visits of condolence at her house last night.

Health Squad Spends a Busy Night in the The police squad attached to the Health Department went on the hunt for spitters again last night. They got thirty, all told. Square and Proctor's Fifth Avenue theatres,

THIRTY SPITTERS CAUGHT.

more at the Times Square subway station Tiree violators were arrested on the

Three violators were arrested on the platform of the 10th street elevated station and one at the Ninety-third street station. The policemen confined their efforts to the theatre district and the stations of the subway and elevated roads in the upper West Side. At nearly every station an errors was made.

William S. Martin, head of a business college on Main street, Paterson, N. J., was arrested at the elevated station at Fifty-ninth street and Columbus avenue. He had been to visit his brother, Prof. Martin of Columbia University, who lives on West Fifty-seventh street. Mr. Martin was taken to the West Forty-seventh street station and quickly bailed out. street station and quickly bailed out.

### FIRE NEVER FEAZED DINERS. Beer Flowed as Freely as Water During

Hot Time at Luchow's. There was a fire in Lüchow's restaurant on East Fourteenth street during the crowded hour last night. An overheated flue ignited the kitchen ceiling at a few minutes past 7. The diners with a few minutes past 7. The diners with truly German gemüthlichkeit sat by their tables until the last Hasenpfeffer mit kartoffelklöse had been consumed and the last of many Würtzburgers downed. By that time thirty sturdy firemen had waded through the kitchen ware and incidentally extinguished the blaze.

About \$200 worth of dainties with polysyllabic names was spoiled by water, \$100 worth of crockery by the firemen and \$50 worth of kitchen by the blaze.

worth of kitchen by the blaze.

Fresh as a handful of wheat from the field—Wheatena. Sweet as a nut, the fiavor is not destroyed in cooking. Save the Certificate.—Ale.